

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re Petition of FRESCATI SHIPPING
COMPANY, LTD., as the Owner of the M/T
ATHOS I, and TSAKOS SHIPPING &
TRADING, S.A., as Manager of the M/T
ATHOS I, for Exoneration from or Limitation
of Liability

CIVIL ACTION
NO. 05-cv-305 (JHS)

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITGO ASPHALT REFINING COMPANY,
et al.,

Defendants.

CONSOLIDATED

CIVIL ACTION
NO. 08-cv-2898 (JHS)

ORDER

AND NOW, this 25th day of July 2016, upon consideration of Defendants' Motion to Draw Adverse Inferences Because of Plaintiffs' Spoliation of Vessel Records (Doc. No. 754), Frescati Plaintiffs' Brief in Opposition to Defendants' Motion to Draw Adverse Inferences Because of Plaintiffs' Alleged Spoliation of Vessel Records (Doc. No. 765), Defendant's Reply to Response to Motion (Doc. No. 777), Defendants' Motion to Enforce the Best Evidence Rule and to Exclude and Disregard Secondary Evidence and Testimony Offered Instead of Original Evidence Lost or Destroyed in Bad Faith (Doc. No. 755), Frescati Plaintiffs' Brief in Opposition to Defendants' Motion to Enforce the Best Evidence Rule and to Exclude and Disregard Secondary Evidence and Testimony Offered Instead of Original Evidence Lost or Destroyed in

Bad Faith (Doc. No. 766), Defendants' Reply to Response to Motion (Doc. No. 776), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that:

1. Defendants' Motion to Draw Adverse Inferences Because of Plaintiffs' Spoliation of Vessel Records (Doc. No. 754) is **DENIED**.
2. Defendants' Motion to Enforce the Best Evidence Rule and to Exclude and Disregard Secondary Evidence and Testimony Offered Instead of Original Evidence Lost or Destroyed in Bad Faith (Doc. No. 755) is **DENIED**.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.